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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617
5514	7590	10/06/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			QUIETT, CARRAMAH J	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2612

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/579,739

Applicant(s)

SAKAEGI, YUJI

Examiner

Carramah J. Quiett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1995 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment(s), filed on 07/19/2005, have been entered and made of record. Claims 22-27 are pending. The Examiner acknowledges that the Applicant has canceled claims 1-21, amended claims 22-27.

### ***Response to Arguments***

2. Applicant's arguments filed 07/19/2005 have been fully considered but they are not persuasive.

In response to Applicant's comments regarding the Examiner's previous Office Action, the Applicant asserts that, "...Yamagishi is not seen to disclose or suggest at least the feature of a peripheral apparatus which is connectable to a computer and which includes a control unit and a power control unit, wherein the power control unit is controlled so as to avoid supplying power from a battery to the control is predetermined time if it is determined that a predetermine request is not received from the computer." The Examiner respectfully disagrees.

The Examiner stated in the previous Office Action that, "The imaging apparatus, as disclosed by Yamagishi, is an example of a peripheral apparatus as taught in Applicant's disclosure (pg. 6, lines 20-21) since it is capable of being connected (or connectable) to a computer (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22)." Yamagishi's peripheral apparatus (200) in figure 15A includes a control unit (40') and a power control unit (42'). Please read col. 3, lines 53-55 and col. 20, lines 23-35.

In figures 16B and 17A, Yamagishi teaches that the power control unit is controlled so as to avoid supplying power from a battery to the control is predetermined time if it is determined that a predetermine request is not received from the computer. In figs. 17A/17B, Yamagishi illustrates flowcharts of the imaging program to be run at the step S14 in fig. 16B, and displays the process of transferring control signals between the control means (60') and image pickup control circuit (40') via the interface (72), connector (74'), connector (54'), and interface (52'). After proceed through steps S21 and S22 [YES], Yamagishi teaches that the power control unit (circuit – 42') detects that the voltage of the battery (44) is not high enough for the image pickup apparatus (200 – peripheral) to operate (S23), the control means 60' displays a warning on the display means 64 (S34), instructs the image pickup control circuit 40' to execute the predetermined termination processing necessary for the image pickup apparatus 200 (S35), quits the imaging and viewfinder display screens on the display means 64, and terminates the run of the imaging program (S14). Then, referring back to figure 16B, the power control circuit is placed in a power-off state until (predetermined time) instructions are received and returns to step S2 in figure 16A. Please see figs. 15A – 17A and read col. 20, lines 24-54; col. 22, line 56 – col. 24, line 13.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. **Claims 22-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Yamagishi (U.S. Pat. #6,630,949).

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For **claim 22**, Yamagishi discloses, in figs. 15A/15B and in col. 20, lines 17-18, a peripheral apparatus (200) which is connectable (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22) to a computer (300; col. 3, lines 9-29), the peripheral apparatus comprising:

a control unit (40') which controls the peripheral apparatus (col. 3, lines 53-55); and

a power control unit (42') which controls supply of power from a power source battery (44') connected to the peripheral apparatus to the control unit (col. 20, lines 23-35),

wherein the power control unit starts supplying power from the battery to the control unit after the power control unit detects that the computer is connected to the peripheral apparatus (col. 20, line 24 – col. 21, line 17),

wherein the control unit (40') checks whether or not a predetermined request is received from the computer after the power control unit detects that the computer is connected to the peripheral apparatus.\* Please read col. 20, line 24 – col. 21, line 17; col. 23, lines 14-19 & 54 – col. 24, lines 3 & 13-60; and

wherein the control unit controls the power control unit (42') so as to continue supplying power from the battery to the control unit if the control unit determines that the predetermined request is received from the computer (col. 24, lines 13-24), and controls the power control unit so as to avoid supplying power from the battery to the control unit for a predetermined time if the control unit determines that the predetermined request is not received from the computer (col. 24, lines 4-12).\* Also, please read col. 20, lines 24-54; col. 23, lines 14-19 & 54 – col. 24, line 12 and col. 24, lines 25-60.

**\*Note:** The imaging apparatus, as disclosed by Yamagishi, is an example of a peripheral apparatus as taught in Applicant's disclosure (pg. 6, lines 20-21) since it is capable of

being connected (or connectable) to a computer (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22). In figs. 17A/17B, Yamagishi illustrates flowcharts of the imaging program to be run at the step S14 in fig. 16B, and displays the process of transferring control signals between the control means (60') and image pickup control circuit (40') via the interface (72), connector (74'), connector (54'), and interface (52). In step S21, Yamagishi teaches that control means (60') instructs the image pickup control circuit (40') to execute predetermined necessary start processing. According to Yamagishi a predetermined request is an instruction (or instructions) generated from the computer's control means. As illustrated in fig. 17A, when the imaging switch is off, the control means (60') instructs the image pickup control circuit (control unit – 40) to execute the predetermined termination processing necessary for the image pickup apparatus 200. When the imaging switch in the operating means is on, the control means 60' instructs the image pickup control circuit (40') to execute voltage detection. It is inherent for the control unit (40') to check whether or not a predetermined request is received from the computer. If the control means (60') does not receive command from the operation means, then the control unit (40') will not receive any control signals from the control means (60').

Particularly, if the control unit (40') determines that the predetermined request is to execute voltage detection, the control unit (40') instructs the power control unit (42') to check if the voltage of the battery (44') is high enough for the image pickup apparatus (200) to operate, and informs the control means (60') of the finding. Therefore, the power control unit inherently decides to supply power from the battery to the control unit

in order to execute distance measurement and photometry. Please read col. 23, lines 14-19 & 54 – col. 24, lines 3 & 13-60.

For **claim 23**, Yamagishi discloses an apparatus wherein the control unit controls the power control unit inherently so as to avoid supplying power from the battery to the control unit if the control unit determines that a request for shutting off power is received from the computer after the predetermined request is received from the computer. Please read col. 20, lines 24-54; col. 23, lines 54-60; col. 24, lines 4-12.

Regarding **claims 24 and 25**, these claims are method claims corresponding to the apparatus claims 22 and 23, respectively. Therefore, method claims 24 and 25 are analyzed and rejected as previously discussed with respect to claims 22 and 23, respectively.

#### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claim 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (U.S. Pat. #6,630,949).

For **claim 26**, Yamagishi teaches that a peripheral apparatus, wherein the peripheral apparatus is capable of operating as an electronic camera because in col. 20, lines 23-35 his camera receives its power from direct current (a battery). However, he does not expressly disclose an apparatus wherein the peripheral apparatus is capable of operating as an electronic camera when the peripheral apparatus is not connected to the computer. Examiner takes Official Notice in that it is well known in the art for an electronic camera to operate with out a computer. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to provide Yamagishi's electronic camera with the capability of operating as an electronic camera when the peripheral apparatus is not connected to the personal computer. Doing so, would allow the user an option to operate the camera when he is in an environment, which does not require a computer.

Regarding **claim 27**, this claim is a method claim corresponding to the apparatus claim 26. Therefore, method claim 27 is analyzed and rejected as previously discussed with respect to claim 26.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316.

The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ  
September 29, 2005

  
NGOC-YEN VU  
PRIMARY EXAMINER